

SEP 13 2010

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JAMES FERLON CLARK,

Petitioner,

v.

DIRECTOR, DEP'T OF CORRECTIONS,

Respondent.

Civil Action No. 7:10CV0006

FINAL ORDER

By: Hon. Glen E. Conrad
Chief United States District Judge

For the reasons stated in the accompanying memorandum opinion, it is now

ORDERED

as follows:

1. The respondent's motion to dismiss shall be and hereby is **GRANTED**;
2. The petitioner's motions for appointment of counsel are **DENIED**;
3. A certificate of appealability is **DENIED**; and
4. The petition for writ of habeas corpus filed by the petitioner shall be and hereby is **DISMISSED** and **STRICKEN** from the active docket of the court.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to the petitioner and counsel of record for the respondent.

ENTER: This 10th day of September, 2010.

[Signature]

Chief United States District Judge